

BEFORE THE  
STATE BOARD OF PHARMACY  
STATE OF MISSOURI

STATE BOARD OF PHARMACY,	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No.2006-005391-V1
	)	
LUKE R. KAMPSCHMIDT,	)	
	)	
Respondent.	)	

**FINDINGS OF FACT, CONCLUSIONS OF LAW,  
AND ORDER OF DISCIPLINE**

This matter appears before the Missouri Board of Pharmacy pursuant to a complaint of violation of disciplinary order regarding Luke R. Kampschmidt, Respondent.

Findings of Fact

1. The Board set this matter for hearing and served notice of a violation of discipline hearing upon Kampschmidt.
2. Pursuant to notice and Section 621.110, RSMo, this Board held a hearing on July 9, 2008, at the Courtyard by Marriott, 3301 LeMone Industrial Boulevard, Columbia, Missouri, for the purpose of determining the appropriate disciplinary action against the pharmacy intern license of Kampschmidt. Neither Kampschmidt nor any counsel for Kampschmidt appeared. The Board was represented by Loretta Schouten. See Transcript page 4.
3. All Board members were present throughout the violation of discipline hearing.
4. The Missouri Board of Pharmacy ("Board") is an agency of the state of Missouri created and established pursuant to Section 338.110, RSMo 2004, for the purpose of executing and enforcing the provisions of Chapter 338, RSMo.

5. Kampschmidt was licensed by the Board, intern license no. 2006001411, which license expired on December 31, 2007. See Transcript page 3.

6. On August 27, 2007, pursuant to a Disciplinary Order, the Board placed Kampschmidt's intern license on suspension for a period of two years, followed by probation for a period of five years. The Disciplinary Order contained certain provisions regarding the period of discipline, which Respondent failed to follow. See Transcript pages 4 and 5 and Petitioner's Exhibit 1.

7. Respondent failed to pay all required fees and to renew his license prior to December 31 of each year in violation of the Disciplinary Order. See Transcript page 5.

8. Respondent failed to make himself available for personal interviews with a member of the Board or Board staff. Board staff notified Respondent of his non-compliance by letter dated October 15, 2007, and Respondent still failed to make arrangements for a personal interview in violation of the Disciplinary Order. See Transcript page 5.

9. Respondent has never registered for periodic blood and/or periodic urinalysis testing in violation of the Disciplinary Order. See Transcript pages 4 and 5.

10. Respondent failed to submit quarterly reports of compliance in violation of the Disciplinary Order. See Transcript page 5.

11. Respondent failed to provide the Board an evaluation for chemical dependency performed by a licensed or certified chemical dependency professional in violation of Section I paragraph 11A of the Disciplinary Order. This evaluation report was due to be completed within six (6) weeks of the effective date of the Disciplinary Order and the report was due in the Board office within ten (10) days after the completion of the evaluation. See Transcript page 5.

12. Respondent failed to provide the Board with an evaluation report evidencing an evaluation for any clinically significant disorder which poses a risk to the safe practice of pharmacy (including chemical dependency) in violation of the Disciplinary Order. This evaluation was to be completed within six (6) weeks

of the effective date of the Disciplinary Order and the evaluation report was due to the Board office within ten (10) days after the completion of the evaluation. See Transcript page 5.

13. The Order provides that if the Board determines that the Respondent has violated a term or condition of the Order, which violation would also be actionable in a proceeding before the AHC or the circuit court, the Board may elect to pursue any lawful remedies or procedures afforded it and is not bound by the Order in its determination of appropriate legal actions concerning that violation.

14. The Order also provides that no order shall be entered by the Board pursuant to the preceding paragraph without notice and an opportunity for a hearing before the Board in accordance with the provisions of Chapter 536, RSMo.

#### Conclusions of Law

15. The Board has jurisdiction over this proceeding in that the Complaint presents a case in which the Board must determine whether or not a licensee has violated a condition or conditions of a disciplinary order issued by the Board. State Board of Registration for the Healing Arts v. Masters, 512 S.W.2d 150, 160-161 (Mo. App., K.C.D. 1974).

16. The Board has jurisdiction to take disciplinary action against Respondent in that Respondent has violated the Order.

17. Respondent's license to practice as a pharmacy intern, numbered 2006001411, is subject to revocation, suspension, probation, or censure by the Board pursuant to the provisions of Section 338.055.2(1), (5), (6 ), (13), and (15).

#### Order


THEREFORE, having considered all of the evidence before the Board, it is the ORDER of the Missouri Board of Pharmacy that the pharmacy intern license issued to Respondent, numbered 2006001411, is REVOKED. Mr. Kampschmidt may not apply for reinstatement of his license for seven (7) years after the date of this Order, as

provided in Section 338.067 RSMo. Respondent shall return all indicia of licensure, i.e., the computer generated 5" x 7" license and the wallet card, to the Board office.

This document shall be maintained by the Board of Pharmacy as an open and public record of the Board as provided in Chapters 338, 610, 620, RSMo.

ENTERED THIS 8<sup>th</sup> DAY OF AUGUST, 2008

(BOARD SEAL)

  
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TOM GLENSKI, R.PH.  
CHIEF INSPECTOR  
MISSOURI BOARD OF PHARMACY